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CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TERRY L. CHARLTON,)
)
Plaintiff,)
)
VS.) No. 1:04-1290-T/V
)
TENNESSEE DEPARTMENT OF)
CORRECTION, *et. al.*)
)
Defendant.)

**ORDER DENYING PLAINTIFF'S REQUEST FOR RETURN OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANTS**

On October 3, 2005, Terry L. Charlton ("Plaintiff") filed a motion for summary judgment on his claim against the remaining defendants in this civil rights litigation.¹ Subsequently, on November 25, 2005, Plaintiff filed a "Request for Return of Motion for Summary Judgment." The basis for Plaintiff's request was "human error" in that Plaintiff had inadvertently failed to attach a certificate of service to his motion for summary judgment. Plaintiff sought return of the motion in order to correct his mistake.

Plaintiff should be aware that, on October 25, 2005, the court denied the motion that he now seeks to have returned. [See Dkt. # 43] Assuming that the court could "return" Plaintiff's motion for summary judgment—which it could not—the question is MOOT.

¹Those defendants are Corrections Corporation of America and Dr. Fred Cole.

Therefore, Plaintiff's Request for Return of Motion for Summary Judgment [Dkt. # 49] is DENIED.

IT IS SO ORDERED.

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE
29 November 2005
DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 51 in case 1:04-CV-01290 was distributed by fax, mail, or direct printing on December 1, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT